

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

FARBER Jonathan

Appl. No.: 10/590,155 (U.S. Nat'l Phase
of PCT/CA2004/001894; Int'l Filing Date:
October 29, 2004)

§ 371(c) Date: March 2, 2007

For: **Delivery Systems for Calcium**

Confirmation No.: *To be assigned*

Art Unit: *To be assigned*

Examiner: *To be assigned*

Atty. Docket: 1556.0360002/RWE/S-G

**First Supplemental Information Disclosure Statement
Under 37 C.F.R. § 1.97(b)**

Mail Stop Amendment

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Listed on accompanying IDS Forms, PTO/SB/08A and PTO/SB/08B, are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. The numbering on this First Supplemental Information Disclosure Statement is a continuation of the numbering in Applicant's Information Disclosure Statement filed on October 12, 2006, in connection with the above-captioned application.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicant has listed publication dates on the attached IDS Forms based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicant reserves the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits. No statement or fee is required.

Copies of documents, **FP10-FP25**, **FP27-FP32**, **FP34-FP39**, **FP41**, **FP44-FP53**, **FP56**, **FP58-FP59**, **NPL3-NPL48** and **NPL51-NPL57** are submitted. However, in accordance with 37 C.F.R. § 1.98(a)(2), copies of U.S. patents and patent application publications, cited on the attached IDS Form PTO/SB/08A as documents **US8-US20**, **US22-US64** and **US66-US146** are not submitted.

In accordance with 37 C.F.R. § 1.98(a)(3), Applicants' undersigned representative submits the following, in regards to non-English language documents, **FP10**, **FP11**, **FP23**, **FP24**, **FP36** and **FP52**, cited on Form PTO/SB/08A:

Document **FP10** is in a foreign language. The relevance of document **FP10** may be ascertained by reference to the English language abstract cited herein as document **NPL42**.

Document **FP11** is in a foreign language. The relevance of document **FP11** may be ascertained by reference to the English language abstract cited herein as document **NPL43**.

Document **FP23** is in a foreign language. The relevance of document **FP23** may be ascertained by reference to the English language abstract cited herein as document **NPL45**.

Document **FP24** is in a foreign language. The relevance of document **FP24** may be ascertained by reference to the English language abstract cited herein as document **NPL44**.

Document **FP36** is in a foreign language. The relevance of document **FP36** may be ascertained by reference to the English language abstract cited herein as document **NPL45**.

Document **FP52** is in a foreign language. The relevance of document **FP52** may be ascertained by reference to the English language abstract cited herein as document **NPL24**.

In accordance with the recent Federal Circuit decision in *Dayco Prods., Inc. v. Total Containment, Inc.* 329 F.3d 1358 (Fed. Cir. 2003), Applicants submit herewith Office Actions, which are directed to related technical subject matter. The Examiner is respectfully requested to consider the cited applications and the art cited therein during examination:

Copy of Office Action for abandoned U.S. Patent Application No. 10/297,983, Farber, M. and Farber, J., filed April 10, 2003, mailed February 1, 2005, submitted herewith as document **NPL29**;

Copy of Office Action for abandoned U.S. Patent Application No. 10/297,983, Farber, M. and Farber, J., filed April 10, 2003, mailed February 16, 2006, submitted herewith as document **NPL30**;

Copy of Office Action for U.S. Patent Application No. 10/416,547, issued June 27, 2006, as U.S. Patent No. 7,067,150 B2, Farber, M. and Farber, J., filed June 13, 2003, Office Action mailed May 26, 2005, submitted herewith as document **NPL31**;

Copy of Office Action for U.S. Patent Application No. 10/416,547, issued June 27, 2006, as U.S. Patent No. 7,067,150 B2, Farber, M. and Farber, J., filed June 13, 2003, Office Action mailed September 21, 2005, submitted herewith as document **NPL32**;

Copy of Office Action for U.S. Patent Application No. 10/416,547, issued June 27, 2006, as U.S. Patent No. 7,067,150 B2, Farber, M. and Farber, J., filed June 13, 2003, Office Action mailed November 17, 2005, submitted herewith as document **NPL33**;

Copy of Office Action for U.S. Patent Application No. 10/416,547, issued June 27, 2006, as U.S. Patent No. 7,067,150 B2, Farber, M. and Farber, J., filed June 13, 2003, Office Action mailed January 26, 2006, submitted herewith as document **NPL34**;

Copy of Office Action for U.S. Patent Application No. 10/416,815, Farber, M. and Farber, J., filed September 29, 2003, mailed June 17, 2005, submitted herewith as document **NPL35**;

Copy of Office Action for U.S. Application No. 10/416,815, Farber, M. and Farber, J., filed on September 29, 2003, mailed on November 17, 2005, submitted herewith as document **NPL36**;

Copy of Office Action for U.S. Patent Application No. 10/416,815, Farber, M. and Farber, J., filed September 29, 2003, mailed May 4, 2006, submitted herewith as document **NPL37**;

Copy of Office Action for U.S. Patent Application No. 10/416,815, filed September 29, 2003, Farber, M. and Farber, J., mailed May 30, 2007, submitted herewith as document **NPL38**;

Copy of Office Action for U.S. Patent Application No. 11/110,848, filed April 21, 2005, Farber, M. and Farber, J., mailed September 21, 2005, submitted herewith as document **NPL39**;

Copy of Office Action for U.S. Patent Application No. 11/110,848, filed April 21, 2005, Farber, M. and Farber, J., mailed December 15, 2005, submitted herewith as document **NPL40**;

Copy of Office Action for U.S. Patent Application No. 11/110,848, filed April 31, 2005, Farber, M. and Farber, J., mailed January 26, 2007, submitted herewith as document **NPL41**;

Copy of Office Action from abandoned U.S. Application No. 10/297,983, filed April 10, 2003, Farber, M. and Farber, J., mailed November 2, 2005, submitted herewith as document **NPL47**; and

Copy of Office Action for U.S. Patent Application No. 10/416,815, filed September 29, 2003, Farber, M. and Farber, J., mailed December 12, 2007, submitted herewith as document **NPL48**.

The Examiner's attention is directed to the following U.S. Patent and U.S. Patent applications, which are directed to related technical subject matter:

U.S. Non-Provisional Patent Application No. 10/416,547 (Atty. Dkt. No. 1556.0360000), inventors Farber, M. and Farber, J., filed June 13, 2003, issued as U.S. patent 7,067,150, listed as document **US142**;

U.S. Non-Provisional Patent Application No. 11/110,848, published as U.S. Patent Application Publication No. 2005/0208141 A1 (Atty. Dkt. No. 1556.0360001), inventors Farber, M. and Farber, J., filed April 21, 2005, pending and listed as **US143**;

U.S. Non-Provisional Patent Application No. 11/547,016, published as U.S. Patent Application Publication No. 2007/0292517 A1 (Atty. Dkt. No. 1556.0360003), inventor Farber, J., filed March 2, 2007, pending and listed as **US135**;

U.S. Non-Provisional Patent Application No. 11/584,748, published as U.S. Patent Application Publication No. 2007/0196496 A1 (Atty. Dkt. No. 1556.0360004), inventors Farber, M. and Farber, J., filed October 23, 2006, pending and listed as **US145**;

U.S. Non-Provisional Patent Application No. 10/297,983, published as U.S. Patent Application Publication No. 2004/0013732 A1 (Atty. Dkt. No. 1556.0400003), inventors Farber, M. and Farber, J., filed April 10, 2003, abandoned and listed as **US133**;

U.S. Non-Provisional Patent Application No. 10/416,815, published as U.S. Patent Application Publication No. 2004/0052852 A1 (Atty. Dkt. No. 1556.0400004), inventors Farber, M. and Farber, J., filed September 29, 2003, pending and listed as **US146**; and

U.S. Non-Provisional Patent Application No. 10/591,789, published as U.S. Patent Application Publication No. 2007/0190153 A1 (Atty. Dkt. No. 1556.0470001), inventor Farber, J., filed September 5, 2006, pending and listed as **US144**.


The identification of these U.S. Patent Applications and Office Actions is not to be construed as a waiver of secrecy as to these applications now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited applications and the art cited therein during examination.

It is respectfully requested that the Examiner initial and return a copy of the enclosed IDS Forms, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Robert W. Esmond
Attorney for Applicant
Registration No. 32,893

Date: Feb 7, 2008

1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600

771866_1.DOC